



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

Via Electronic and U.S. Postal Service Mail

October 2, 2012

Mr. Charles L. Woltmann
Sr. Vice President, Law and General Counsel
Sunkist Growers, Inc.
14130 Riverside Drive
Sherman Oaks, California 91423

Re: Toxic Substances Control Act (TSCA) Polychlorinated Biphenyls (PCBs) [40 CFR 761.61(c)] - USEPA Approval of the PCB Cleanup Completion Report for the Former Citrus Processing Plant 616 East Sunkist Boulevard, Ontario, California

Dear Mr. Woltmann:

Thank you for submitting the "*Remedial Completion Report Former Citrus Processing Plant 616 East Sunkist Boulevard Ontario, California*" (PCB Cleanup Completion Report [PCCR or Report]) dated June 12, 2012 and prepared by Bowyer Environmental Consulting, Inc (BEC) for Sunkist Growers, Inc. (Sunkist). The U.S. Environmental Protection Agency Region 9 (USEPA) hereby finds that the PCCR demonstrates that cleanup requirements for PCBs were met at the PCB Cleanup Site (PCS) located within the Former Sunkist Citrus Processing Plant (Sunkist Site). USEPA is making this determination based on the "USEPA Review Elements" summarized below and its review of the PCCR. The Sunkist Site is located at 616 East Sunkist Boulevard, Ontario, California.

In general, the PCCR documents the (1) characterization and cleanup (via excavation) of PCBs in soils, (2) characterization of concrete, (3) compliance with the PCB cleanup level at the PCS, and (4) off-site disposal of PCB remediation waste (e.g., soils containing PCBs above the cleanup level) and other wastes containing PCBs. The PCS¹ which is located within the 11.11-acre Sunkist Site is defined in Review Element 1.d, below. USEPA approved a PCB cleanup level for soil and concrete equal to 4.5 miligram/kilogram (mg/kg) total PCBs (as Aroclors).

USEPA Review Elements: PCB Cleanup Completion Report, Former Sunkist Facility

- 1. General compliance with USEPA's conditions of approval. Sunkist PCB cleanup site (PCS).**
Based on USEPA's review of the PCCR, USEPA has determined that:
 - a. Sunkist / BEC completed the PCB related work consistent with USEPA's August 19, 2011 conditional approval (Original Approval) of the Sunkist / BEC "*Remedial Action Plan – Former*

¹ USEPA's August 19, 2011 letter (Original Approval) approving the "*Remedial Action Plan - Former Sunkist Citrus Processing Plant, 616 East Sunkist Avenue, Ontario, California*" defined the PCS.

Sunkist Citrus Processing Plant, 616 East Sunkist Avenue, Ontario, California” dated May 22, 2011 (RAP). The RAP is the Sunkist / BEC risk-based disposal approval application (Original Application) for PCBs required under 40 CFR 761.61(c). USEPA’s Original Approval was subsequently amended to address Sunkist’s proposed modifications to the Original Application.² In general, Sunkist / BEC have complied with the conditions of approval in USEPA’s Original Approval and in subsequent Amendments 1 and 2 to the Original Approval.

- b. However, Sunkist / BEC still have to comply with the deed restrictions requirements in Condition 16 of the Original Approval. See Review Element 5, below. Condition 16 required a meeting to discuss the deed restriction in relation to the PCB cleanup that would be recorded for the property. That meeting did not occur. Compliance with condition 16 is required in Review Element 5.b (Land use restrictions), below.
- c. Sunkist’s Application and USEPA’s Approval addressed (1) additional site characterization of PCBs at the PCS, (2) PCB cleanup via excavation, (3) soil cleanup verification sampling and analysis, (4) concrete sampling, (5) ProUCL calculations (soil and concrete), (6) waste disposal, (7) onsite use of concrete from onsite building demolitions, and (8) land use restrictions.
- d. PCS definition. USEPA’s Original Approval defines the PCS as being located within the 11.11-acre Sunkist Site and encompassing all the areas of the Sunkist Site investigated for PCBs including and not limited to:
 - the former location of certain buildings and their associated basements that had been already demolished before the date of the Original Approval, as well as,
 - the location of buildings and related basements that at the time of the Original Approval were awaiting demolition

In addition, the PCS encompasses the areas where concrete derived from the demolition of Site buildings was stockpiled at the time of the Original Approval. And based on USEPA’s Amendments 1 and 2 to the Original Approval, the PCS also encompasses the area of the former waste water treatment plant within the Sunkist Site, soil beneath basement concrete stockpiles, and Site Areas 24C, D-5-1, L-13-3, B-5-1, and D-1-1.

2. **Additional Sunkist Site characterization.** USEPA has determined that Sunkist / BEC complied with the conditions in USEPA’s Original Approval and subsequent amendments to the Original Approval and Application; and applicable regulatory requirements in 40 CFR 761. This determination is based on USEPA’s review of additional characterization data collected at the PCS for PCBs under TSCA and included in the PCCR.

² USEPA’s correspondence amending USEPA’s August 19, 2011 approval letter (Original Approval) and the Sunkist Application include letters dated September 6, 2011 (approving Sunkist’s August 31 and September 2, 2011 proposed modifications to the Original Application); and USEPA’s September 23, 2011 letter (approving Sunkist’s September 12, 2011 proposed modifications to the Original Application). All USEPA’s approval letters established conditions to be met by Sunkist / BEC.

3. PCB Cleanup level for soil and concrete. PCB cleanup verification. Pro UCL calculations.

Compliance with PCB cleanup level. USEPA approved a cleanup level of 4.5 mg/kg total PCBs (as Aroclors) for soils and concrete at the PCS. This cleanup level is based on a site-specific risk assessment and was developed taking into consideration analytical results for PCB Aroclors and dioxin-like PCB congeners. The approved PCB cleanup level is protective of industrial and construction worker exposure scenarios evaluated for receptors in proximity to the Sunkist Site. The land comprising the Sunkist Site is currently zoned industrial.

USEPA has evaluated the total PCB concentrations remaining in soils at the PCS. USEPA has also reviewed the calculations of the 95% upper confidence limit of the mean (95% UCL)³ of PCB analytical results for (1) soils and (2) onsite concrete used in backfilling basement areas and excavations at the Sunkist Site. The concrete was generated from demolition of onsite structures and stockpiled at the Sunkist Site for onsite reuse or offsite disposal. Based on the (1) PCB analytical results for soil cleanup verification and stockpiled concrete samples reported in the PCCR and (2) associated 95% UCL, USEPA has determined that:

- a. Sunkist / BEC have achieved the PCB cleanup level at the PCS and complied with the PCB cleanup requirements for soils and concrete. The PCB levels in concrete for reuse onsite were below the 4.5 mg/kg PCB cleanup level based on the 95% UCL. Therefore, the concrete was not subject to cleanup or decontamination before reuse.
 - b. The concrete that originated from the demolition of onsite structures can be reused within the boundaries of the Sunkist Site consistent with TSCA use authorizations in 40 CFR 761.30(u) (Use of decontaminated materials). The 95% UCL of the mean of concrete PCB analytical results is below the PCB cleanup level.
- 4. Waste disposal.** As the generators of the waste, Sunkist / BEC must ensure that: (1) all waste disposal documentation has been included in the PCCR, (2) such documentation is complete and accurate, and (3) disposal of PCB remediation waste and other PCB-containing wastes was conducted in compliance with the TSCA regulations, other federal regulations that may apply, and state and local regulatory requirements. USEPA acknowledges that Appendix G of the PCCR contains waste disposal documentation (e.g., waste manifests) associated with the PCB cleanup.
- 5. Land use restrictions. Approval Condition 16 in August 19, 2011 Original Approval.** Based on USEPA's review of the additional site characterization data collected at the PCS under TSCA and included in the PCCR, USEPA has determined that:
- a. Land use restrictions are necessary. If in the future the land use changes from industrial to unrestricted use (e.g., residential use), additional cleanup of PCBs in soils and concrete shall be

³ The UCL was calculated using the USEPA ProUCL statistical program. The UCL is the exposure point concentration (EPC) used to determine compliance of the PCB cleanup with the cleanup level of 4.5 mg/kg total PCBs (as Aroclors).

Mr. Charles L. Woltmann
Sunkist Growers, Inc.
Re: TSCA Risk-Based PCB Cleanup Report
Date: October 2, 2012

conducted and such cleanup must result in residual PCB concentrations that are protective of the new land use for the former Sunkist Site.

- b. Condition 16. Within 60 days after the date of this letter, Sunkist / BEC must submit a draft restrictive covenant for USEPA review. Sunkist / BEC must schedule a meeting with USEPA to discuss the technical aspects of the restrictive covenant directly related to the PCB cleanup.

Consistent with the above review, USEPA concludes that no further cleanup of PCBs is necessary at the PCS within the Sunkist Site. However, USEPA may require additional investigation and cleanup of PCBs if (1) a finding is made after the date of this letter that PCBs remain at the PCS or other areas of the Sunkist Site at concentrations above 4.5 mg/kg total PCBs and / or (2) the land use is changed to unrestricted use. The PCS encompasses several areas within the 11.11-acre Sunkist Site that were the subject of investigations and remediation (as deemed necessary) under TSCA.

USEPA appreciates Sunkist / BEC's implementation and completion of the PCB cleanup at the former Sunkist Citrus Processing Plant in Ontario, California. USEPA looks forward to meeting with Sunkist / BEC on the restrictive covenant and to receiving the draft covenant for review. If you have any questions concerning this letter, please call Carmen D. Santos at 415.972.3360.

Sincerely,


for Jeff Scott, Director
Waste Management Division

Cc Via Electronic Mail Only

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